

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: JASON MICHAEL BOYCHUCK,) Chapter 13
)
) Bk. No. 18-11895-AMC
Debtor)

DEBTOR'S ANSWER TO MOTION FOR RELIEF FROM STAY, FILED BY PNC BANK, N.A.

Jason Michael Boychuck, the above-named Debtor, by and through his undersigned counsel, objects to the foregoing Motion for Relief from Stay filed by PNC Bank ("PNC"), and in support hereof, avers as follows:

1. Admitted.
2. Admitted.
3. Admitted only that PNC appears to be the mortgagee, by assignment, of a certain first Mortgage, against the residential real property of debtor and co-debtor, recorded in the records of Montgomery County, PA. PNC does not allege, and consequently Debtor does not admit, that it is the holder of the Note secured by the Mortgage.
4. Admitted.
5. The averments of Paragraph 5 comprise legal opinions, to which no response is required.
6. Admitted in part and denied in part. On July 16, 2021, Debtor made a mortgage payment to PNC in the amount of \$1,400.00. Consequently, when PNC's Motion for Relief was filed on July 21st, Debtor was, at most, *two* months in arrears, not three (as alleged in the Motion). Moreover, on August 3, 2021, Debtor has made a double mortgage payment to PNC, in the amount of \$2,508.00.

7. Denied.
8. Denied.
9. Given the circumstances in this matter, Debtor denies that PNC, having filed its Motion at a time was Debtor was only two regular payments in arrears, is entitled to fees and costs.
10. Over the preceding eighteen months, Debtor's income has been adversely affected by the COVID pandemic, and in view of the policies underlying, as well as expressly stated, in 11 USC Section 1328(i), the Motion of PNC for relief from stay should be denied.

WHEREFORE, Debtor prays that the Motion for Relief from Stay filed by PNC Bank be denied, and that he be granted such other and further relief to which he may be entitled.

Respectfully submitted,

/s/ W.J. Winterstein, Jr.
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CERTIFICATE OF SERVICE

The undersigned, of lawful age, hereby certifies that on August 3, 2021, he caused true copies of the foregoing Answer to the Motion of PNC for Relief from Stay, to be served upon the Chapter 13 Trustee and upon Rebecca Solarz, PNC's counsel of record, and all other parties requesting notice, by electronic means and by First Class U.S. mail, postage prepaid.

/s/W.J. Winterstein, Jr.

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ORDER OVERRULING MOTION FOR RELIEF FROM STAY, FILED BY PNC BANK, NA

AND NOW, this ____ day of August, after notice and opportunity to be heard, and for good cause shown, it is hereby ORDERED, that the Motion for Relief from the Automatic Stay filed herein by PNC Bank, NA, is DENIED.

BY THE COURT:

Hon. Ashley M. Chan
U.S. Bankruptcy Judge

Interested parties:

W.J. Winterstein, Jr, Debtor's counsel
Rebecca Solarz, counsel for PNC Bank, NA
Scott F. Waterman, Ch. 13 Trustee